

**Planning and Zoning Committee Meeting
February 1, 2019 @ 2:00pm**

In attendance were Town Manager Debbie Botchie, Town Code & Building Official Eric Evans, Committee Member Peter Michel, GMB Representative Andrew Lyons Jr., and Town Clerk Matt Amerling.

1. **CALL TO ORDER:** Town Manager Debbie Botchie called the meeting to order at 2:00 p.m.
2. **ROLL CALL:** Ms. Botchie stated all members are present and there is a quorum.
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES – August 17, 2018**
Mr. Eric Evans made a motion to accept the minutes from the August 17, 2018, Planning & Zoning meeting. Mr. Peter Michel seconded the motion. Motion carried 3-0.

MOTION TO ENTER PUBLIC HEARING

Mr. Michel motioned to go into public hearing at 2:03 p.m. Mr. Evans seconded the motion. Motion carried 3-0.

5. **NEW BUSINESS**

A. Public Hearing Notice – Mr. Michel read the notice.

B. Written Comments – Ms. Botchie stated that there were no submitted written comments.

C. Review and discuss a preliminary site plan submitted by Millville Boardwalk LLC, for an indoor/outdoor amusement establishment located on TMP #134-12.00-35.00, 35291 Atlantic Avenue, zoned C-1. The applicant plans to include in the establishment an 18-hole miniature golf course, a creamery/ice cream parlor, retail shops, and future indoor amusement.

Mr. Michael McCarthy, of Millville Boardwalk LLC, stated most know me for McCarthy Stones on Route 26, and we are here with an application for a new business called Millville Boardwalk LLC, which is a family amusement center on the property east of McCarthy Stones, which falls under the permitted use of C-1 Commercial, under sections B-6, Indoor/Outdoor Amusements; and B-3, item A, Bakery, and item K, Coffee/ice cream/frozen desserts shops. Mr. McCarthy stated when it comes to the need of such an establishment, what he and his family have observed over the years is everything is directed to the vacation industry, and businesses are based on an influx of people coming here for a short period of time and then leaving. Mr. McCarthy stated if someone wants to go do something, most likely they have to go to the beach to do it, and the problem with that is the parking space availability, the cost of parking, and the overcrowding. Mr. McCarthy stated he and his family would like to facilitate for the community – not just Millville, but other surrounding municipalities – to put together a campus of phases of having a safe family place to bring your family throughout the year to have fun. Mr. McCarthy stated what Millville Boardwalk will consist of, starting at the front, is a thirty-eight (38)-foot-tall lighthouse, which will pair with the theme of being at the beach and will function as the entrance into the miniature golf course. Mr. McCarthy stated the proposed building will be an elevated boardwalk – about two (2) feet – and the walkway will be wide enough to make it feel like you're on the actual boardwalk. Mr. McCarthy stated his intention is to have families come to the Millville Boardwalk, and play some golf, get something to eat, and there will be a "family area" – a fenced off area for people to go sit and eat, and there will be most likely be a swing-set area and yard games to play for the kids. Mr. McCarthy stated it's also an area where different generations may go with younger kids while the older kids go play miniature golf; so there are different options to entertain different people and all generations.

Mr. McCarthy stated he was here before Mr. Al Casapulla (owner of Casapulla's Subs & Pizza) but he's always known for being "right next to Casapulla's," and many people think the Suburban Propane tank is his so people often ask to have their propane filled. Mr. McCarthy stated the site plan shows where the tank is currently located in relation to the site, but the tank will be removed from the site, and the front of the building and property will be pleasing to the eye. Mr. McCarthy stated he wants this to be a landmark as someone comes into Town; and there will be two existing entrances with ample parking for all of the buildings on the site plan. Mr. McCarthy stated he is applying for building all of the four (4) buildings included in the mock-up, but the first phase of construction will only be the first three (3) buildings (including the lighthouse). Mr. McCarthy further stated his goal is to have this be a destination place, with a "photo op" space, and something for everyone.

Mr. Joseph Garner stated he will be going over the miniature golf aspect, and when researching it, he not only went to Ocean City's and Rehoboth Beach's miniature golf courses, but also to courses in New Jersey and Virginia, to try and gather what they all liked and didn't like about certain courses. Mr. Garner stated what he found is most of these courses are geared toward the people who are coming for vacation, so most of these courses are open from Memorial Day weekend until a few weeks past Labor Day, and are mostly only open on weekends. Mr. Garner stated their business' intention is to have a place to come during the middle of the week on the shoulder seasons, for the community and not just vacationers. Mr. Garner stated the planned name is Lighthouse Beach Golf, and they are hoping to be open by Easter (April 21, 2019) and stay open through October 31, depending on weather; however, they plan to extend the season as well as offer events there to bring in the community in the shoulder seasons – including having a locals discount, group rates, and fundraising opportunities for local businesses, organizations, communities and charities. Mr. Garner stated he contacted several builders (for the mini-golf course) nationwide and they decided to go with the Top production company, which has built over eight-hundred (800) courses in the U.S., Canada, and Mexico, and they bring an in-depth knowledge of what makes a fun and creative miniature golf course. Mr. Garner further stated, working with Millville Boardwalk, Top has put together a fun, challenging course, of which half is Americans with Disabilities Act (ADA)-certified, so and disabled people can play ten (10) out of the eighteen (18) holes. Mr. Garner stated their goal with the course was to keep it clean, meaning there won't be any large dinosaurs, spaceships, pirate ships, etc., like you see at other courses near the beach. Mr. Garner stated they want the family enjoying the course and making the trick shots to be the focal point, and the theme of the course will be "the Delaware beaches" so there will be decorations and replicas of a lot of things they enjoy at the beach, such as the Inlet, surfing, boating, fishing, crabbing, etc. Mr. Garner stated the lighting will be downward facing, "shoebox lights" to make sure the lighting will be just on the course and parking, and there won't be any "excessive light pollution." Mr. Garner stated the course will be sitting two-hundred (200) feet back from the road, and parking will be almost one-hundred (100) feet back from the road, which gives plenty of space for the noise to be dissipated before it reaches the road or any neighbor, although the closest neighbor is to the east of the site and it's an empty lot. Mr. Garner stated the light poles will have speakers on them, which will be playing music throughout the course but the music will be played at a low level so the patrons on the course can hear it but won't be spilling out anywhere off the property. Mr. Garner stated the course is planned to be enjoyable for all ages from five-years-old to some older, seasoned golfers.

Mr. Zach McCarthy stated the ice cream parlor on the site plan will be called the Agape Creamery, which got its name from a Christian term, referring to the highest form of love and charity, selfless unconditional love for your fellow man, and his mission is to use ice cream as a medium to make a positive impact on everyone who steps through their doors, and they want to make sure everyone leaves happier than when they entered. Mr. McCarthy stated they plan on having fundraising efforts such as coming up with a special ice cream flavor for certain events. Mr. McCarthy stated one of the buildings will have a small private room with bistro seating where guests can sit as well as for private parties. Mr. McCarthy stated they will offer homemade flavors and he has met with different ice cream companies on the east coast, purchasing a homemade ice cream making machine, and will be

doing all of this in-house. Mr. McCarthy stated he will offer sixteen (16) flavors, twelve (12) of which will be year-round flavors, and four (4) being seasonal, “one-off” creative flavors. Mr. McCarthy stated they can also make special flavors just for an organizational event (i.e., a flavor for the Indian River Boosters). Mr. McCarthy stated he will also enlist his mother’s help in bringing back Just Desserts and offering baked goods onsite, as well as putting them into the ice cream flavors. Mr. McCarthy stated while the summer will be plenty busy in the parlor space, in the off-season, they can have a space for patrons to play board games, puzzles, etc.

Mr. Michael McCarthy stated another aspect he would like to do is have the light at the top of the lighthouse shine a specific color when a new ice cream flavor is introduced – that way, people will know by seeing it, there’s a new flavor to try. Mr. McCarthy stated he also remembers years ago when Miller’s Creek would give customers a discount if they wore their Christmas pajamas when shopping at the store, so Mr. McCarthy would like to do something akin to that kind of offer. Mr. McCarthy stated they will give the Ocean City (Christmas) lights “a run for their money” because he would love to have a Christmas theme for the miniature golf, such as getting half off for wearing Christmas pajamas while playing, etc. Mr. McCarthy stated, in regards to the pole barn in the back, they plan on putting a clock tower on it, making it a future indoor amusement business.

Mr. Andrew Lyons Jr., of GMB, stated he has reviewed the plans and sent a comment letter, which the Town received, and there were a few small items for final site plan approval. Mr. Lyons stated first would be getting the correct tax map parcel number, but there were a couple of items for the Committee. Mr. Lyons stated he reviewed the parking and with the proposed shop, depending on the fit-out for the proposed shop, in the future parking may have to be reviewed again, but it all depends on how much area is used for merchandise and storage. Mr. Lyons stated if it was all merchandise, the applicant would have to increase parking right now. Mr. Lyons further stated the other items not taken care of yet are the proposed parking lot being shown in front of the building, with a landscaped area between the parking lot and the building, but according to the Town’s Development Design Standards, parking should be behind the buildings. Mr. Lyons stated Council can permit parking in the front, but that is at Council’s discretion. Mr. Lyons stated there are also no sidewalks shown on Route 26, and Mr. Lyons knows DelDOT has completed its project and not installed any sidewalks on that location, and there are no sidewalks on either side of the applicant’s property; so that’s something P&Z can look at, and the applicant can ask for a waiver of that requirement through P&Z. Mr. Lyons stated on the final plan, there are a few other items which would be necessary if this passed today, such as the parking areas in the rear and having the aisles widened to twenty-two (22) feet, and the Town needs the applicant’s main front sign plan.

Town Manager Debbie Botchie stated in regards to the sidewalks, DelDOT did not install sidewalks from Windmill Drive all the way out, but the Town’s Code says the Town requires sidewalks. Ms. Botchie stated Council also has the authority to waive it, because, at this point, the Town asks if it will build a sidewalk to nowhere, just like DelDOT made the Town build a sidewalk to nowhere as well as the park; but the P&Z Committee cannot waive this. Ms. Botchie further stated there may be some suggestions hopefully that the remainder of the corridor may continue to develop, which would be grand to have sidewalks in. Ms. Botchie stated there could be avenues such as putting money in escrow should Council requires sidewalks. Ms. Botchie stated she has reviewed this with the applicants and with Mr. Lyons, and she is very excited as well as happy about this proposal for Millville.

Town Code & Building Official Eric Evans stated he knows the applicant is proposing the entire site in phases, so Mr. Evans thinks the plan should identify the phases so if/when something doesn’t show up three months after opening, the public won’t be scratching their heads and will know the other aspect is in phase two. Mr. Evans stated with regards to the back building, there is no location for a dumpster pad, and if the applicant plans on using that building, the applicant will need something back there for the trash. Mr. Evans stated in the front, the applicant shows the dumpster pad proposed

but there is no access to it, and there will need to be detail put in for Council as to how the applicant will shield the dumpster from the visual eye. Mr. Evans stated he thinks the applicant will need to have some good directional signs put up and have those identified on the plan for Council. Mr. Evans further stated he knows Mr. Lyons talked about parking, but Mr. Evans recommends the applicant show the additional parking beside the future shop as Mr. Evans thinks there's additional space there, so label it "future parking if required" so the site plan doesn't change and the applicant doesn't have to come back with another fee and review involved. Mr. Evans stated the sign details will only go toward the detached sign, so show details, as well as where the sign will be placed, and the sign will be reviewed when the applicant pulls the sign permit, which is all done by square-footage. Mr. Evans stated the applicant should put in a fence detail on what kind of fence they will be putting up, and Mr. Evans would recommend putting in an access in the back so emergency vehicles don't have to go through the ramps to get in.

Council Member Peter Michel stated this is a beautiful layout and the applicant may want to think about customers wanting to bring their smaller dogs onsite, so the applicant may want to consider having dog waste stations or trashcans. Mr. McCarthy stated his thanks and they plan on making a dog-safe ice cream.

D. Residents/Property Owner Comments & Questions

Ms. Valerie Faden, of Beach Plum Drive, stated this seems like a wonderful idea and she would just suggest as the Town grows, when the applicant plans on having events, there should be consideration with having appropriate numbers of parking available for those larger events. Ms. Faden stated it would be nice if anything environmental could also be added to the plan, whether it's solar or water retention or water mitigation – things which would help the wetlands – those kinds of things are available through the Delaware Department of Natural Resources and Environmental Control (DNREC), and Ms. Faden hasn't seen a percentage on the plan the requirement for a certain amount of green space. Ms. Botchie stated yes, the land must be sixty percent (60%) impervious, and, at the final site plan review, the applicant will be stating a landscape plan. Mr. McCarthy stated they are trying to keep as much green space as they can, and this site plan is only four (4) of twenty (20) acres, but they are taking it into consideration.

Ms. Vicki York, of Vicki York at the Beach Realty, asked if the applicant is operating as one business or as several businesses. Mr. McCarthy stated several. Ms. York asked if they will be individually licenses. Mr. McCarthy stated yes. Ms. York asked what the hours of operation would be. Mr. Garner stated the proposed hours will be 10 a.m. until 11 p.m. throughout the summer season, and in the off-season, have seasonal hours. Ms. York stated she's asking because the two (2) properties to the east of her business are rentals and she's concerned about the lights from the parking lot and the lighthouse as well as the music and how it will impact those residential rentals. Ms. York asked if a traffic study has been done because she's worried more traffic will added. Mr. Lyons stated the applicant already has their letter of no contention from DelDOT. Ms. York asked if McCarthy Stones will stay where it currently is located. Mr. McCarthy stated yes.

MOTION TO CLOSE PUBLIC HEARING

Mr. Evans motion to close public hearing at 2:50 p.m. Mr. Michel seconded the motion. Motion carried 3-0.

6. New Business

- A.** Discuss and possible vote on the preliminary site plan with recommendation regarding the Town Council's review of the final site plan submittal.

Mr. Evans motioned to accept the site plan as submitted to include a recommendation to Town Council to approve the site plan to include the parking in the front as proposed, to include the twenty-two (22)-foot wide drive aisles in the back, signage details and what was discussed with the other recommendations. Ms. Botchie seconded the motion. Motion carried 3-0.

7. ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 2:52 p.m. Mr. Michel seconded the motion. Motion carried 3-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk